

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JACQUELYN REAVES,

Plaintiff,

v.

MONMOUTH UNIVERSITY, et al.,

Defendants.

Civil Action No.:
22-cv-01782-PGS-RLS

ORDER

WHEREAS this matter comes before the Court on the following seven motions:

- 1) Motion to Dismiss filed by defendants Monmouth Medical Center, Amina Chowdhury, Matthew Geller, Virginia Kinneman, Robert Wood Johnson University Hospital, and James McCallum (ECF No. 23);
- 2) Motion to Dismiss filed by defendants Neptune City Police Department, Keith Mitchell, Michael Volbrecht, and Edward Kirschenbaum (ECF No. 36);
- 3) Motion to Dismiss filed by defendants Monmouth University, Monmouth University Police, Nina Anderson, Charlene Diana, Joanne Jodry, Maryanne Nagy, Grey Dimenna, Franca Mancini, and William McElrath (ECF No. 37);
- 4) Motion to Vacate Entry of Default, to Extend Time to Answer, and to Dismiss the Amended Complaint filed by defendants Trenton Psychiatric Hospital and Patrick Ervilus (ECF No. 53);
- 5) Motion to Dismiss filed by defendant Katie Ozolins (ECF No. 54);
- 6) Motion to Join Motion to Dismiss (ECF No. 37) as Movant filed by defendant Jeffrey Layton (ECF No. 55); and

7) Motion for Default Judgment against defendants Robert Cavella, Trenton Psychiatric Hospital, and Patrick Ervilus filed by Plaintiff Jacquelyn Reaves (ECF No. 65); and

WHEREAS during the hearing on August 18, 2022, the Court granted the Motion to Vacate the Entry of Default filed by defendants Trenton Psychiatric Hospital and Patrick Ervilus (ECF No. 53), granted the Motion to Join Motion to Dismiss as Movant filed by defendant Jeffrey Layton (ECF No. 55) and denied the Motion for Default Judgment against defendants Robert Cavella, Trenton Psychiatric Hospital and Patrick Ervilus filed by plaintiff Jacquelyn Reaves (ECF No. 65); and

WHEREAS the Court having carefully reviewed and taken into consideration the submissions of the parties, as well as the arguments and exhibits presented therein, and for the reasons set forth in the accompanying Memorandum; and for good cause shown:

IT IS on this 15th day of December, 2022;

ORDERED that for the reasons set forth on the record during the August 18, 2022 hearing, the Motion to Vacate the Entry of Default filed by defendants Trenton Psychiatric Hospital and Patrick Ervilus (ECF No. 53) is GRANTED, the Motion to Join Motion to Dismiss as Movant filed by defendant Jeffrey Layton (ECF No. 55) is GRANTED and the Motion for Default Judgment against defendants Robert Cavella, Trenton Psychiatric Hospital and Patrick Ervilus (ECF

No. 65) is DENIED; and it is further

ORDERED that counts one, two, three, four, five and six of the Amended Complaint are dismissed with prejudice as to all defendants for lack of a private right of action under the criminal statutes; and it is further

ORDERED that count ten of the Amended Complaint is dismissed with prejudice as to all defendants because there is no independent cause of action under 42 U.S.C. § 1988; and it is further

ORDERED that Motion to Dismiss with prejudice filed by defendants Monmouth Medical Center, Amina Chowdhury, Matthew Geller, Virginia Kinneman, Robert Wood Johnson University Hospital, and James McCallum (ECF No. 23) is GRANTED IN PART and DENIED IN PART as follows:

- 1) All counts against defendants Monmouth Medical Center, Amina Chowdhury, Matthew Geller and Virginia Kinneman are dismissed with prejudice; and
- 2) Counts one, two, three, four, five, six and ten against defendants Robert Wood University Hospital and James McCallum are dismissed with prejudice; and
- 3) Counts seven, eight, eleven, twelve, thirteen and fourteen against defendants Robert Wood University Hospital and James McCallum are dismissed without prejudice; and it is further

ORDERED that defendants Neptune City Police Department, Keith Mitchell, Michael Volbrecht, and Edward Kirschenbaum's Motion to Dismiss with prejudice (ECF No. 36) is GRANTED; and it is further

ORDERED that defendants Monmouth University, Monmouth University Police, Nina Anderson, Charlene Diana, Joanne Jodry, Maryanne Nagy, Grey Dimenna, Franca Mancini, William McElrath and Jeffrey Layton's Motion to Dismiss with prejudice (ECF No. 37) is GRANTED; and it is further

ORDERED that defendants Trenton Psychiatric Hospital and Patrick Ervilus' Motion to Vacate Entry of Default and Dismiss with prejudice (ECF No. 53) is GRANTED; and it is further

ORDERED that defendant Katie Ozolin's Motion to Dismiss with prejudice (ECF No. 54) is GRANTED; and it is further

ORDERED that Plaintiff may file an amended complaint in accordance with the Court's December 14, 2022 Memorandum within sixty (60) days from entry of this Order; and

ORDERED that failure to file an amended complaint within the time specified will result in the dismissal of this action with prejudice.



PETER G. SHERIDAN, U.S.D.J.